

CHAPTER NO. 160

HOUSE BILL NO. 3418

By Representative Beavers

Substituted for: Senate Bill No. 3411

By Senator Jordan

AN ACT to repeal Chapter 493 of the Private Acts of 1921, as amended by Chapter 255 of the Private Acts of 1925, Chapter 834 of the Private Acts of 1947, Chapter 373 of the Private Acts of 1955, Chapter 377 of the Private Acts of 1955, Chapter 295 of the Private Acts of 1970 and Chapter 48 of the Private Acts of 1991; and any other acts amendatory thereto; and to continue the corporate existence of the Town of Chapel Hill and to provide a new charter.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 493 of the Private Acts of 1921, as amended by Chapter 255 of the Private Acts of 1925, Chapter 834 of the Private Acts of 1947, Chapter 373 of the Private Acts of 1955, Chapter 377 of the Private Acts of 1955, Chapter 295 of the Private Acts of 1970 and Chapter 48 of the Private Acts of 1991; and any other acts amendatory thereto, is hereby repealed in its entirety.

SECTION 2. Definitions. The following definitions apply in this charter unless the context otherwise requires:

(a) "Aldermen" means collectively those elected or appointed to serve in such capacity on the Board;

(b) "Board" means the Board of Mayor and Aldermen;

(c) "Charter" means this charter;

(d) "County" means Marshall County, Tennessee;

(e) "Department Head" means the Chief of Police, Fire Chief and any other person appointed to serve as the head of another department of the Town;

(f) "Officers" means Mayor, Aldermen, Vice Mayor, Town Judge, Town Administrator, Town Recorder, Town Treasurer and Town Attorney;

(g) "Mayor" means the person elected or appointed to serve in such capacity;

(h) "State" means the State of Tennessee;

(i) "Town" means the Town of Chapel Hill, Tennessee;

(j) "Town Administrator" means the Chief Administrative Officer of the Town;

SECTION 3. As used in this Charter, "shall" and "must" are mandatory and "may" is permissive.

SECTION 4. Incorporation Name and General Powers. The Town of Chapel Hill, in the County of Marshall, State of Tennessee, and the inhabitants thereto, within the boundaries hereinafter set out, shall continue as a body politic and corporate under the name and style of "Town of Chapel Hill", and by that name shall have perpetual succession; may use a common seal, and may alter it at pleasure; may sue and be sued, plead and be impleaded, in all the courts of law and equity in all actions whatsoever; may purchase, receive and hold property, real and personal, within or without such Town, for corporate purposes, and sell or dispose of such property for the benefit of the corporation and do all other things touching the same as a natural person may do.

SECTION 5. Corporate Boundaries. The corporate boundaries or limits of the Town of Chapel Hill shall be and embrace all the territory now within the corporate limits of the Town of Chapel Hill as of the effective date of this act, as heretofore established and defined by acts of the General Assembly of Tennessee, by ordinances of the Town of Chapel Hill and by law and/or ordinances or as may hereafter be modified by acts of the General Assembly or ordinances of the Town of Chapel Hill.

SECTION 6. Board of Mayor and Aldermen: Number of Aldermen; Qualifications for Office; Compensation and Oath. The corporate and legislative authority of the town shall be vested in the Board, and in such officers as may be appointed or elected pursuant to laws, or as otherwise provided in this charter; the Board shall be composed of a Mayor and six (6) Aldermen, who shall reside at least one (1) year next preceding their election in the Town and should the residence of any one (1) of them in the Town cease after his election, his office shall become vacant; the Mayor and Aldermen, as such officials, shall receive such compensation as established in the ordinance adopting the annual budget; however, the compensation of the Mayor shall not be diminished during the Mayor's term of office; before entering upon their duties, the Mayor and Aldermen shall take an oath before some person qualified to administer oaths that they will faithfully and impartially discharge the duties pertaining to their office, which oath shall be in writing and entered upon the minutes of the Board.

SECTION 7. Vice Mayor. Administrator. Recorder and Treasurer. The Board shall elect an Alderman to the office of Vice Mayor for a term of two (2) years, who shall serve when the Mayor is temporarily absent or unable to discharge his duties, who shall retain his voting privilege while serving in the absence of the Mayor; the Board shall appoint an Administrator, Recorder and Treasurer, who may be the same person, but not the Mayor or an Alderman, whose term and salary shall be determined by the Board.

SECTION 8. Elections. Date of Election of Mayor and Aldermen and Terms of Election. The present Mayor and Aldermen of the Town and the expiration dates of their terms of office are: Mayor Horace Hill, Jr.'s, Alderman Bob Ryder's, Alderman Jerry Hicks' and Alderman Bill Batte's terms of office expiring the first day of September, 1998; and Alderman Joseph Gabard's, Alderman Ronnie Curtis', and Alderman Herb Bivins' terms of office expiring the first day of September, 2000. On the first Thursday in August, 1998, an election shall be held for the purpose of electing a Mayor and three (3) Aldermen to replace those whose term of office expires the first day of September, 1998. The person receiving the highest number of votes cast for Mayor shall take and hold office for four (4) years beginning the first day of September, 1998, and until his successor is elected and qualified. The three (3) persons receiving the highest number of votes cast for Aldermen shall take and hold office for four (4) years beginning on the first day in September, 1998, and until successors are elected and qualified. On the first Thursday in August, 2000, three (3) Aldermen shall be elected in the same manner as the Mayor and three (3) Aldermen were elected in 1998. The term of office for Mayor shall be for four (4) years and the terms of office for Aldermen shall be four (4) years. It is the intent that in August, 1998, and every four (4) years thereafter, a Mayor and three (3) Aldermen be elected by the voters of the Town. In case of a tie vote for any office, there

shall be a run-off between persons receiving an equal number of votes within three (3) weeks from the election on the first (1st) Thursday in August.

SECTION 9. Elections: Qualification Required of Voters. In all elections held in the Town, for any purpose, those persons shall be qualified to vote who are qualified voters for members of the General Assembly, and who have resided in the incorporated territory for six (6) months next preceding the election, and also qualified voters of the Town who reside outside the incorporated area, who own a freehold in realty within the incorporated area.

SECTION 10. Elections: Regulations and Method of Holding. All elections held in such Town shall be called and held by the Election Commissioners of Marshall County, under the rules and regulations now prescribed by law for the civil district in which the Town is located; but it shall be the duty of the Election Commissioners in addition to the procedure required for County and State elections, after canvassing the returns, to certify the result of each election, and file such certificate, together with one (1) copy of the poll and tally sheets, with the Recorder of Chapel Hill. The Election Commissioners of Marshall County shall hold an election in the Town on such dates as are specified in this act, and at such other times as they may be requested by the Board to hold an election for purposes authorized by this act or the general laws of the State.

SECTION 11. Elections: Candidates Must File Application and Standard for Determining Who Has Been Elected Mayor and Aldermen. In all elections for Mayor and Aldermen, those desiring to become candidates shall file with the Secretary of the Election Commission, as long as twenty (20) days from the election, written application for their names to be placed on the ballot, stating in such application that they are qualified to hold such office under the provisions of this act.

SECTION 12. Board of Aldermen: Power to Regulate Itself, Transact Business, Fill Vacancies, Expel Members, Remove Appointed Officers. The Board of the Town shall determine its rules of procedure. A majority of the Board shall constitute a quorum for the transaction of business. In case of death, resignation or removal of Mayor, Vice-Mayor or any Aldermen, or any vacancy thereof, the Board shall have the power to fill the vacancy until the next regular election. The Mayor or any Alderman may be removed from office for any malfeasance in office, crime or other offense against the laws of the State, or act prohibited by ordinances of the Town, failure to attend all Board meetings for three (3) consecutive months, or for permanent disability, upon unanimous vote of all Aldermen, if removal of the Mayor is sought, and all other Aldermen if removal of an Alderman is sought. "Permanent disability" means a physical or mental condition as determined by a person licensed to practice medicine in this State to be permanent in nature and such condition prevents the person from performing the customary duties of the office to which elected, or the inability to perform the customary duties of the office for six (6) months because of a physical or mental condition. Proceedings to remove the Mayor or an Alderman shall be instituted upon specific written charges to the Board, made by any person, and when in the opinion of a majority of the Board the charges are sufficient to warrant a hearing, the Board shall cause a copy of the written charges to be served, by any policeman, on the person charged with written notice stating time and place of a hearing on the specific charges. The accused shall have the right to compel witnesses' attendance in his behalf. The Mayor or Vice Mayor, if not the accused, shall conduct the hearing and the Town's attorney shall advise the person conducting the hearing as to procedure but shall not question the accuser or accused. At the termination of the presentation of oral or demonstrative proof, a roll call vote shall be taken of the Aldermen, exclusive of the accused, and the names of Aldermen voting shall be recorded in the minutes of the meeting, and in the event of removal, the term of the accused shall cease without further action. A person removed shall have the remedy of appeal or writ of certiorari to the Chancery Court of Marshall County, but pending the determination of

appeal or writ of certiorari, the office shall be vacant and the Board shall proceed to fill such vacancy in the same manner as though such vacancy occurred from any other cause. The Board may, by majority vote at any time, remove from office the Treasurer and Recorder, or any official or employee elected by the Board and fill the vacancy thus created.

SECTION 13. Board of Mayor and Aldermen: Regular and Special Meeting. The Board shall hold at least one (1) regular meeting each month for the purpose of passing upon the financial report of the Treasurer and for the transaction of other business, but the Board may, by resolution, establish as many regular meetings as they desire. A special meeting may be called by the Mayor or by any three (3) Aldermen by two (2) days written notice to the members of the Board stating the purpose or purposes for which the special meeting is called. No other business shall be considered at the special meeting of the Board. The Board shall have the power at any meeting, regular or special, to recess to a day certain for the transaction of any business which may be brought before it.

SECTION 14. Mayor: Powers and Duties. The Mayor shall preside at all meetings of the Board, but in the absence of the Mayor, the Board may be called to order and presided over by the Vice Mayor and in absence of both by a Mayor Pro Tem, an Alderman, elected by a majority of the quorum present. The Mayor is vested with all the powers and duties of an Alderman, but shall vote only in the event of a tie in the quorum present. The Mayor shall not have any regular administrative duties and as chief executive officer of the Town shall perform such duties and exercise such powers as may be conferred or imposed by the laws of the State and by ordinance not in conflict with this charter. In the event of the sickness or absence of the Administrator, Treasurer or Recorder, the Mayor shall, temporarily, during such sickness or absence, assume the duties of the Administrator, Treasurer or Recorder.

SECTION 15. Ordinances: Procedures Required for Passage. No bill shall become a law or ordinance without having passed on two (2) separate days by majority vote of the quorum of the Board, both of which shall not be at the same meeting; except no appropriation of money, or order involving it, or levy of taxes, shall be made unless the ordinance authorizing the same be passed on two (2) separate days and passed on three (3) separate days by a majority of the entire Board. Separate days means separate meetings, not recessed meetings.

Ordinances shall be introduced in writing, and when passed, shall be signed by the Mayor and Recorder, and shall be incorporated in the minutes of the Board together with full recitals of their introduction and passage, which minutes shall be a permanent record and kept for public inspection.

An Ordinance shall take effect fifteen (15) days after its final passage or at such time after fifteen (15) days if so specified in the ordinance. An emergency ordinance may take effect immediately after final passage provided it states that an emergency exists, the circumstances and reasons for the emergency, and sufficient detail to demonstrate that passage of the ordinance will abate the emergency.

Prior to final passage, the ordinance or caption and summary thereof may be published in a newspaper of general circulation in the Town, or in like manner the ordinance may be published after final passage, but such publication shall not be mandatory and ordinances duly passed shall be effective without publication.

A certified copy of the minutes, or portion of the minutes, showing the passage of an ordinance on final reading shall be full and sufficient evidence of the ordinance in all

trials in any court of this State, the certificate to be made by the Recorder under the seal of the Town.

SECTION 16. Powers Exercised by Ordinances. The Board shall have the power by ordinance as heretofore provided:

(1) To assess, levy, provide for and collect upon all property and privileges within its limits which are or shall be taxable by the laws of the State of Tennessee, and to assess, levy, provide for and collect taxes on any and all subjects or objects of taxation, either for general or special purposes, not expressly forbidden by general laws of the State of Tennessee.

(2) To adopt such classifications with reference to all subjects or objects of taxation, not otherwise expressly prohibited by law.

(3) To issue and give, sell, pledge, or in any manner dispose of negotiable or non-negotiable interest bearing or non-interest bearing warrants, bonds, promissory notes or orders of the Town, upon the credit of the Town, or solely upon the credit of specific property owned by the Town, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the Town, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more, or a combination of any two (2) or more, of such credits.

(4) To acquire, maintain, hold and operate an electric plant or electric distribution system as provided in the Municipal Electric Plant Law of 1935, Tennessee Code Annotated, Title 7, Chapter 52, Part 3, or as the same may be amended.

(5) To expend the revenues, monies and property of the Town for all lawful municipal purposes.

(6) To purchase, acquire, receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, or any estate or interest therein, either within or without the Town or State.

(7) To acquire, own, erect, build, construct, maintain and operate, or to sell, lease, mortgage, pledge or otherwise dispose of any public utility, or any estate or interest therein, or property, real or personal, used in connection therewith, or any utility of service to the Town, its inhabitants, or any part thereof.

(8) To grant to any person, firm, corporation or association franchises for public utilities and public services to be furnished the Town and its inhabitants. The power to grant franchises shall include the power to grant exclusive franchises, and whenever an exclusive franchise is granted, it shall be deemed exclusive not only as against any other person, firm, corporation, or association, but also as against the Town itself. Franchises may be granted for a period of twenty-five (25) years, but not longer, and the Town is fully empowered to prescribe and regulate in each grant of franchise rates, fares, charges, and other regulations that may be made by the grantee of the franchise. Franchises may, by their terms apply only to the territory within the corporate limits at the date of the franchises, or to the territory as such limits may thereafter be enlarged; and to the then existing streets, alleys, and other thoroughfares, or to any existing street, alleys and other thoroughfares that thereafter may be opened.

(9) To make contracts with any person, firm, corporation or association for public utilities and public services to be furnished the Town and its inhabitants. The power to make contracts shall include the power to make exclusive contracts; and when an exclusive contract is entered into, it shall be deemed as exclusive not only against any other person, firm, corporation or association, but also as against the Town itself. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer, and the Town is fully empowered to prescribe in each such contract entered into, the rates, fares, charges and regulations that may be made by the person, firm, corporation or association with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the Town at the date of the contract, and as such corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and thoroughfares, and to any other street, alleys and other thoroughfares that thereafter may be opened.

(10) To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, and compel, from time to time, reasonable extensions of facilities for such services and to require such public utilities to enter into "joint use agreements" for the construction, installation, erection, placement, location, use and maintenance of poles, conduits, structures, and facilities where wire, cables, pipes, lines or similar apparatuses are used and employed by such utilities for the transmission of electric power, energy or messages, or both; but nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted, or of any exclusive contract entered into under subsections (12) and (13) of this section.

(11) To construct, reconstruct, improve and reimprove by opening, extending, widening, grading, curbing, guttering, paving, gravelling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys, or other public properties within the corporate limits and to assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways, avenues, alleys or other public properties.

(12) To license and regulate all persons, firms, corporations or associations engaged in any business, profession, vocation, occupation, or trade not forbidden by law, and to impose a license tax upon any property, thing, business, profession, vocation, occupation or trade not prohibited by law.

(13) To define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, professions, vocations or trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the Town, and in conjunction with the powers herein set out to demand and receive fees and costs of permits and inspections incident to effectual regulation.

(14) To prescribe locations, zones and limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security, comfort or general welfare of the inhabitants of the Town may lawfully be established, conducted or maintained.

(15) To regulate the location, bulk, occupancy, area, lot, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition or health, cleanliness and safety,

and when necessary, prevent the use thereof and require any alterations or changes necessary to make them healthful, clean or safe.

(16) To provide and maintain charitable, educational, curative, recreative, corrective, detentive or penal institutions, departments, facilities, conveniences and services, or to contract with any outside agency to provide and maintain or to render the functions and services contemplated herein.

(17) To purchase, acquire, establish and maintain a Town Workhouse for the confinement and detention of any person convicted in the Town Court of offenses prohibited by ordinances of the Town, who fails to secure the fine and cost imposed upon him, or to contract with Marshall County to keep and confine in the County Workhouse any such person, and to provide by ordinance for the commitment of such person to the County Workhouse, until such fine and cost shall be fully paid, and to contract with the Sheriff of Marshall County for such purposes.

(18) To enforce ordinances, rules or regulations of the Town by means of fines, forfeitures and penalties, or by action or proceeding in any court of competent jurisdiction, or by any one (1) or more of such means, but no fine, forfeiture or penalty shall exceed the sum of Five Hundred Dollars (\$500).

(19) To establish and maintain schools, provide for the necessary Boards, officers and teachers required therefrom and to fix their compensation, to purchase or otherwise acquire lands for school purposes, schoolhouses, playgrounds and other purposes connected with the schools of the Town, and to erect all necessary buildings and improvements, and to do all other acts necessary to establish, maintain and operate a complete and adequate educational system within the Town, and to enter into agreements and contracts with Marshall County, the State of Tennessee, or any federal agency for the joint maintenance and operation thereof, and to suffer and permit the operation and maintenance thereof within the Town by Marshall County.

(20) To regulate, license and suppress the keeping or running-at-large of animals within the Town; to impound the same, and in default of redemption to sell or otherwise dispose of the same.

(21) To make all reasonable regulations to prevent the spread of contagious diseases within the Town, and to make and enforce regulations to promote sanitation, health and general welfare of the inhabitants of the Town, and to enter into agreements and contracts for joint or cooperative efforts to this end with Marshall County, the State of Tennessee, or any federal agency.

(22) To purchase, acquire, hold, establish, construct, equip, improve, maintain and operate for such Town a municipal airport or landing field for the use of aircraft, and to acquire by purchase, lease, condemnation or otherwise, real estate situated either within or without the limits of such Town, or to set apart any real estate now owned by it to be used for this purpose, and to accept from any person or persons, or from Marshall County, the State of Tennessee, or any federal agency grants for such purposes and to enter into contracts for the operation and maintenance thereof.

(23) To provide for an adequate system of assessment of property, real, personal, or mixed, for municipal tax purposes; to elect a tax assessor for such Town, or to impose the duties of such upon any other Town official, and to fix and define the duties to be imposed in connection therewith; and to fix and determine

the method of his election, term of office and salary of such official, as hereinafter provided.

(24) To provide for an adequate system for equalization and adjustment of all tax assessments on real and personal property within the limits of the Town of Chapel Hill.

(25) To have and exercise all lawful powers, which now or hereafter it would be lawful to here specifically enumerate, as fully and effectually as though such powers were specifically enumerated herein.

(26) To purchase, acquire, establish, improve, maintain and operate a municipal cemetery, either within or without the corporate limits of such Town and to provide for adequate supervision, care and maintenance thereof, and for this purpose such Town is expressly authorized to establish and create out of any available revenues a fund for the perpetual care and maintenance of such cemetery, such fund to be kept separate and apart from all other revenues for such Town and to be delivered, controlled, supervised and disbursed in such manner as may be provided by ordinance creating the same; and to enter into contracts, or agreements for the supervision, maintenance and control of existing cemeteries within the corporate limits, and to accept, receive and hold donations and grants from any person or persons and to expend such donations or grants for the maintenance and upkeep of the same.

SECTION 17. Powers Exercised by Resolutions. The Board shall have the power by resolution:

(1) To contract and be contracted with.

(2) To incur by borrowing money or otherwise, and to give any appropriate evidence thereof, in the manner herein provided, or as otherwise provided by law.

(3) To receive and hold property in trust, real or personal, either within or without the Town or State, and to administer such trusts for public use and benefit.

(4) To establish, open, locate, relocate, vacate, alter, abandon, widen, extend, grade, improve, repair, construct, maintain, light, sprinkle and clean public highways, streets, alleys, boulevards, parks, squares, bridges, culverts, sewers, drains, and public grounds and properties within or without the corporate limits, and to regulate the use thereof within the corporate limits, including sidewalks, walkways or pavements abutting or adjacent to any public road, street, highway, alley, boulevard, park, parkway, bridge, public way or square within the corporate limits.

(5) To purchase, acquire, hold, construct, maintain and regulate market places, public properties and buildings, bridges, culverts, sewers and other structures, works and public improvements.

(6) To collect and dispose of drainage, sewage, ashes, garbage and refuse in any manner not in conflict with general laws, or to license and regulate such collection and disposal.

(7) To call upon the Commissioners of Elections of Marshall County to call, provide for, and control all municipal elections, including all elections

respecting bond issues when required by State law, and to provide for and regulate the registration of voters, and to certify the results of such elections, and to call upon the Commissioners of Elections of Marshall County to furnish and provide all registration records necessary and proper for the conducting and holding of such elections and referenda; and to call upon such Commissioners of Elections to furnish and provide voting machines for municipal elections and referenda.

SECTION 18. Public Streets and Ways. All public streets, alleys, bridges, sidewalks, culverts, etc., now located within the corporate boundaries of the Town or hereinafter accepted as public streets, alleys, bridges, sidewalks, culverts, etc. by the Town shall be and are by this act declared to be the property of the Town and the Board shall take charge of the same for the use of such Town.

SECTION 19. Construction of Powers Granted. The enumeration of the particular powers in this charter is not exclusive, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant powers in this article impair the powers granted in any subsequent article or section of this charter and whether powers, objects or purposes are expressed conjunctively or disjunctively, they shall be construed so as to permit the Town to exercise freely any one (1) or more of such powers as to one (1) or more such objects for any one (1) or more such purposes.

SECTION 20. Exemptions from Taxes Prohibited. The Board shall possess no power, and is hereby expressly forbidden, to exempt any property of whatever kind or character, or any person, firm, corporation, or association, from taxation, unless such property of persons, firms, corporations or associations is exempted from taxation for State and County purposes under the general laws of the State.

SECTION 21. Bond: Governmental Financing. The Town may, as permitted by law under the Revenue Bond Act of 1937 and the Local Government Public Obligation Act of 1986, issue such bonds, notes and other obligations as may be deemed desirable or necessary or both.

SECTION 22. Budget Committee Membership, Annual Budget. The Budget Committee shall consist of the Mayor, one (1) Alderman appointed by the Mayor, Administrator and Treasurer who shall recommend to the Board the budget for the ensuing fiscal year which shall include compensation for the Mayor and Aldermen. The annual budget shall be presented to the Board no later than June 15th and shall contain the recommended tax rate, anticipated revenues and anticipated expenditures for the next fiscal year. The Board will accept the budget and fix the tax rate by ordinance or as provided in Section 15 of this act.

SECTION 23. Administrator, Compensation, Duties and Powers. The Administrator shall receive compensation fixed by the budget ordinance or resolution of the Board. The Administrator, if serving as Recorder or Treasurer, shall execute a bond as required by this act for Recorder or Treasurer, but not otherwise. The Administrator shall be under the control of and report to the Board, and shall:

(a) Administer the business of the Town;

(b) Employ, direct, control, supervise, discipline, suspend, discharge and terminate all employees of the Town, except those appointed by the Board in accordance with policies and procedures adopted by the Board;

(c) Issue, or cause to be issued, licenses and permits on behalf of the Town;

(d) Act as purchasing agent for the Town in the purchase of all materials, supplies and equipment for the proper conduct of Town business; provided all purchases shall be made in accordance with policies, procedures and practices approved or established by the Board and State law;

(e) Make recommendations to the Board for improving the quality and quantity of public service to be rendered by the Town to its citizens;

(f) In the absence of the Mayor, act as Town's representative;

(g) Keep Board advised as to the condition and needs of the Town;

(h) Report to the Board the condition of the Town's property and recommend repairs and replacement as needed not in the budget;

(i) Recommend to the Board the priority of programs or projects involving public works or improvements that should be undertaken by the Town;

(j) Recommend the creation or abolishment of personnel positions; and

(k) Perform such other duties as may from time to time be designated or required by the Board.

SECTION 24. Treasurer: Duties, Bonds and Compensation.

(a) The Treasurer shall have charge of all monies of such Town and it shall be his duty to collect, receive and receipt for taxes and other revenues and bonds of the Town, and shall execute a bond in a sum fixed by the Board, conditioned upon the faithful and honest performance of the duties of his office; he shall make a full financial report at least once a month to the Board or more often if required by the Board; the Treasurer shall keep a proper account of all funds of whatever kind which may come into his hands. The funds of the Town shall be disbursed only on warrants authorized by the Board which when signed by the Treasurer and either the Mayor or Administrator, and paid by the Treasurer, shall be a full voucher acquittance to the Treasurer for the sum so paid. The Treasurer shall receive for his compensation a sum to be approved by resolution of the Board.

(b) The Treasurer shall exercise general supervision over the fiscal affairs of the Town, and general accounting supervision over all the Town's property, assets and disposition thereof. He shall be the general accountant and auditor of the Town; shall have custody of all papers, records, and vouchers relating to the fiscal affairs of the Town, and the records in his office shall show the financial operation and condition, property, assets, claims and liabilities of the town, all expenditures authorized, and all contracts in which the Town is interested. He shall require proper fiscal accounts, records, settlements, and reports to be kept, made and rendered to him by the officers of the Town, including all agents and employees who may be charged with the collection or expenditure of money and shall control and continually audit the same. It shall be the duty of the Treasurer to collect, receive and receipt for taxes or other revenues and bonds of the Town and to place such funds in depositories, designated by resolution of the Board, and the Treasurer is hereby made the legal custodian of the Town's tax books and is made tax collector of the Town. No contract, agreement, or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the

expenditure of money be passed by the Board or be authorized by any officer of the Town unless the Treasurer shall first certify that the money required for such contract, agreement, obligation or expenditure is in the treasury, or safely assured to be forthcoming and available in time to comply with or meeting such contract, agreement, obligation or expenditure. The Treasurer shall also perform all the duties imposed upon him by ordinance or by other sections of this charter.

SECTION 25. Recorder, Bond and Compensation. The Recorder of the Town shall execute a bond in a sum and shall receive as his compensation a sum fixed by resolution of the Board. The Recorder shall be under the direction of and report to the Board; and shall (a) keep accurate minutes of all proceedings of the Board; (b) ensure that accurate minutes are kept of all committees, commissions, bond, etc. of the Town; (c) have custody and preserve in his office the public records, ordinances, books, minutes, contracts, bonds, deeds, certificates, permits, official security and indemnity bonds, and all other official documents and instruments of the Town. All such records and documents are the property of the Town, and (d) perform such other duties as may from time to time be designated or required by the Board.

SECTION 26. Town Court. There is hereby created and established a Town Court for the Town of Chapel Hill.

(1) There is hereby created the office of Town Judge to be appointed by the Board which shall fix the salary and term of office; the person appointed to the office of Town Judge shall be an Attorney at Law, licensed to practice law within this State and not less than thirty (30) years of age at the time he assumes the duties of the office; and not an employee or elected official of the Town.

(2) The Town Judge shall preside over the Town Court, created under this section, and shall have the power and authority to impose penalties and forfeitures, and to punish by penalties violations of Town ordinances, to preserve and enforce orders in his court, to enforce collection of all such fines, costs and forfeitures imposed by him, to accept and receive good and sufficient security for any penalties or forfeitures imposed by him, and in default of payment of such penalties or forfeitures, or security for payment of the same, to commit the offender to the Town Workhouse or other place provided by the Board for such purpose, and to such labor as may be provided by ordinance, until such penalties, cost or forfeiture shall have been fully paid. To effectively exercise all powers herein conferred upon the Town Judge, he is expressly empowered to issue any and all warrants or other processes of a criminal nature, including but not limited to, attachments for contempt, subpoenas for witnesses, and attachments to compel the attendance of witnesses.

(3) The Town Court shall have, and is hereby vested with jurisdiction to hear and determine all violations of laws and ordinances passed by the Board, and to impose penalties, costs and forfeitures as provided by such laws and ordinances, and to perform such acts and duties as may be imposed upon it by the general laws of the State.

(4) There shall be inserted in all warrants the following caption "State of Tennessee, Town of Chapel Hill". Only one (1) warrant shall be issued for the same offense, such warrant to embrace all parties charged with the same offense. Warrants shall be signed and issued by the Town Judge or the Recorder who shall also serve as Court Clerk or in the event of their absence or disability by the Mayor. The affidavit upon which the warrant is issued shall allege that a person has committed an offense and the essential facts constituting the offense charged. The warrant shall state with reasonable certainty the offense

charged, and when executed, shall bear the return and endorsement of the officer, showing the action in the premises.

(5) The Town Judge, in all cases heard and determined by him, for offenses against the law and ordinances, shall tax in the bill of costs the same amount and for the same items allowed in State cases. He shall certify to the Treasurer for the collection of all penalties, costs, and forfeitures imposed by him, violations of the laws and ordinances, and all such penalties, costs and forfeitures shall belong to the Town and be paid in its treasury, except such portions of the costs as are claimed by witnesses, not in the employ of the Town, for attendance in court. The Town Judge shall keep or cause to be kept a court docket or dockets embodying complete detailed records of all cases heard and determined by him. The court clerk shall keep an accurate record of all penalties, costs and forfeitures imposed by the court, the amount paid or secured, the names of the persons securing the same, and it shall be the duty of the Town Judge to collect all penalties, costs, and forfeitures imposed by him.

(6) The jurisdiction of the Town Court shall extend to a distance of one (1) mile beyond the corporate limits of the Town for the suppression of acts and practices forbidden by the general laws and ordinances, provided such jurisdiction shall not extend beyond the limits of Marshall County and does not come within one (1) mile of any other incorporated town.

(7) The defendant, in all cases heard and determined by the Town Judge as provided by this act, shall have the right to appeal to the Circuit Court of Marshall County, Tennessee, within ten (10) days thereafter, Sundays and holidays excluded, upon giving bond with good and sufficient security for his appearance and bond with good and sufficient security for the faithful prosecution of the appeal, provided that in proper cases a defendant may take and subscribe to the oath for poor persons in lieu of the bond for faithful prosecution of the appeal as now provided by general law.

(8) Whenever the Town Judge shall be absent or unable to attend any session of Town Court, he is empowered to designate in writing a person to hold session of court in his stead, provided such person possesses the qualifications set forth in subsection (1) of this section and takes the same oath. The written designation shall be filed with the Town Court Clerk.

SECTION 27. Recorder: Duties and Power. The Recorder shall keep accurate minutes of all proceedings of the Board of Mayor and Aldermen and shall issue privilege licenses.

SECTION 28. Taxation and Revenue. The Town of Chapel Hill is expressly empowered to assess, levy, and collect taxes upon all property and privileges within its limits, which are or shall hereafter be taxable by the laws of Tennessee, and to assess, levy and collect taxes on any and all subjects or objects of taxation, either for general or special purposes, not expressly prohibited by the general laws of Tennessee. The assessment, levy and collection of taxes and special assessments shall be under the general supervision and control of the Town's Treasurer subject to limitations elsewhere found in this charter and such limitations as may be imposed by ordinance. As soon as practicable in each year after the assessment books for the State and County are complete (which shall be after the Equalization Board provided for by general law shall have finished its works), it shall be the duty of the Town's Treasurer to prepare or cause to be prepared from the assessment books of the County and of the Tennessee Regulatory Authority, tax books similar in form to that required by the laws of the State to be made out for the County Trustee, embracing, however, only such property and

persons as are liable for taxes within the Town. Such books, when certified to be true, correct and complete by the Town's Treasurer, shall be the assessment for taxes in the Town for all municipal purposes; provided that there may be an assessment by the Town's Treasurer at any time, of any property subject to taxation found to have been omitted, and such assessment shall be duly noted and entered on the assessment book of the Town. The Treasurer shall obtain from the Tennessee Regulatory Authority an assessment roll showing all property, real, personal and mixed assessed by it which shall, as soon as practicable in each year, be incorporated into the tax book. On the first day of March of the year following that for which tax is assessed, a penalty of one-half of one percent (.5%) and interest of one-half of one percent (.5%) shall be imposed on all taxes remaining unpaid and collected by the Town. An additional penalty of one-half of one percent (.5%) shall be added for each month thereafter until the same is paid in full. The Town's Treasurer shall have all powers provided by law to collect delinquent taxes and all delinquent taxes made by proper action be turned over to the Town's attorney or to the tax attorney of Marshall County to institute actions to enforce collection of delinquent taxes due the Town.

SECTION 29. Police Department. The Administrator shall appoint a Chief of Police (who may also be the Chief of the Fire Department) and such other policemen and other members of the police force as may be required, whose salaries shall be fixed by the Administrator within the budget for the police department for their current fiscal year. It shall be the duty of the Chief of Police and members of the police force to preserve order in the Town, protect the inhabitants and property owners therein from violence, crimes and all criminal acts, to prevent the commission of crimes, violence, violations of law and Town ordinances and perform general police duties; to execute and return all processes, notices and orders of the Town Court, and to execute all other processes, notices and orders as may be provided in this charter or by ordinance. The Police Chief in time of riot or other emergency shall have power to summon any male citizen of the Town to assist the police force.

SECTION 30. Fire Department. The Administrator shall appoint a Chief of the Fire Department (who may also be the Chief of Police) and such other members of the fire department as may be required whose salaries or compensation shall be fixed by the Administrator within the budget for the police department for the then current fiscal year. It shall be the duty of the Chief of the Fire Department and the members thereof to take all proper steps toward the prevention and suppression of fires. The Chief of the Fire Department shall have the same police powers at a fire as the Chief of Police. The Chief of the Fire Department shall serve as fire marshal whose duties shall be to investigate the cause, origin and circumstances of fires, and loss occasioned thereby, and assist in the prevention of arson. The Board shall have full power and authority by resolution to authorize the use of the Town's firefighting equipment and personnel outside the corporate limits to suppress and extinguish fires subject to such conditions and limitations of such action as the Board may by resolution impose.

SECTION 31. Repealing Clause. This act is declared a public act, and may be read in evidence in all courts of law or equity.

SECTION 32. Effect on Incumbent. Nothing in this act shall be construed as having the effect of altering the salary of any incumbent nor the effect of removing any incumbent from office abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 33. Severability. If any provision of this act or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid

provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 34. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of Mayor and Aldermen of the Town of Chapel Hill. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Board of Mayor and Aldermen of the Town of Chapel Hill and certified to the Secretary of State.

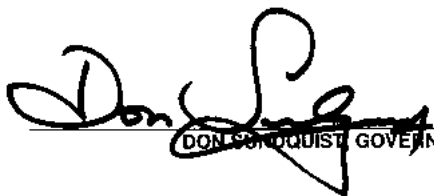
SECTION 35. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 34.

PASSED: April 20, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 1st day of May 1998


DON SUNDQUIST, GOVERNOR